

REMARKS

Claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59, and 64-66 remain pending in the application. Claims 1, 3, 4, 21, 22, 31, 47, 51, 56 and 64 have been amended. No new matter is added.

CLAIM OBJECTION

In the Office Action, claims 12-13, 28-29 and 37-38 were objected to as being dependent upon a rejected base claim, but would be allowable in rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully acknowledges the Examiner's objection and has amended the rejected base claims in order to place all pending claims in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

1. In the Office Action, claims 1-5, 9, 11, 14-15, 18-22, 27, 30-31, 35-36, 39-40, 47-52, 56-59 and 64-66 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0002643 A1 to Yamamoto (hereinafter "Yamamoto") in view of Published U.S. Patent No. 6,295,441 to Bjorkengren et al (hereinafter "Bjorkengren"). More specifically, the Examiner states that Yamamoto teaches all elements of claim 1 with the exception of the first button disposed or located on a second surface of said body casing, which is disclosed by Bjorkengren. All other pending independent claims are rejected for the same reasons.

The Examiner's further clarification of the Examiner's reading of Yamamoto (in the Office Action mailed May 13, 2008) was deeply appreciated by Applicants, who have amended all pending independent claims accordingly. Because each amended claim was

rejected for the same reasons, Applicants will address them simultaneously for the Examiner's convenience.

Independent claims 1, 21, 31, 47, 51, 56 and 64 have been amended to describe Applicants' invention with greater precision. Claim 1 now recites in part:

complementary logic to

facilitate entry of alphanumeric data and user programmable phrases in encoded representations of a variable length encoding scheme using said at least first button, the variable length encoding scheme having a plurality of codes of various code lengths,

wherein the shortest code of the variable length encoding scheme

represents a first user programmable phrase selected by a user,

said first user programmable phrase comprising one or more

words, and

wherein the second shortest code of the variable length encoding

scheme represents a second user programmable phrase selected

by a user, said second user programmable phrase comprising one

or more words; and

facilitate the user in assigning the first user programmable phrase selected by the user to the shortest length code of the variable encoding scheme and in assigning the second user programmable phrase selected by the user to the second shortest length code of the variable encoding scheme.

Yamamoto teaches a portable information terminal that "can simulate communications using Morse code" (pg 2, paragraph 25) between portable information terminals equipped with IR emitters and detectors. Additionally, Yamamoto teaches arranging the LED of the terminal such that it emits light in a pattern corresponding to Morse code in response to a received

message, so that “the portable information terminals look like having a conversation with each other using Morse codes” (pg 6, paragraph 119).

The Examiner has noted that in Yamamoto, Morse code is used in sending and receiving character information optically, that character information is used to form programmable phrases (such as “hello”), and that Morse codes are the shortest length codes. Applicants appreciate that the claim language as previously presented may, from the Examiner’s point of view, read on this aspect of Yamamoto’s recitation. Therefore, Applicants’ amendments are made to clarify that in a variable length encoding scheme of Applicants’ invention, which is not limited to Morse code, the *shortest code of the scheme* is assigned to a *programmable phrase* that is *comprised of one or more words*, and that this *programmable phrase is selected by the user*. Thus, the shortest code in a variable length coding scheme of Applicants’ invention may represent different phrases among different users. In contrast, as the Examiner states, in Morse code the shortest codes are assigned to single alphanumeric characters (those most frequently used). Also, the alphanumeric characters represented by codes in Morse code do not vary according to the preference of the user – on the contrary, in order for Morse code to be a useful method of communication it is inherently necessary that each code represents the same character for each user.

Therefore, Yamamoto’s disclosure teaches away from Applicants’ invention by teaching optical communication using a code that is by necessity uniform to all users and requires a separate code to represent each alphanumeric character. Yamamoto neither teaches nor suggests “entry of alphanumeric data and user programmable phrases in encoded representations of a variable length encoding scheme using said at least first button, the variable length encoding scheme having a plurality of codes of various code lengths, *wherein the shortest code of the variable length encoding scheme represents a first user programmable phrase selected by a user, said first user programmable phrase comprising one or more words, and wherein the second shortest code of the variable length encoding scheme represents a second user programmable phrase selected by a user, said second user programmable phrase comprising one or more words*. Moreover, Bjorkengren cannot remedy the deficiencies of Yamamoto in this respect. For at least these reasons, claim 1 is patentable over Yamamoto in view of Bjorkengren.

Claims 2-9, 11-15, and 18-20 depend from claim 1, incorporating its recitations. Thus, for at least the same reasons, claims 2-9, 11-15 and 18-20 are also patentable over Yamamoto in view of Bjorkengren.

In addition, independent claims 21, 31, 47, 51, 56 and 64 have been similarly amended and are patentable over Yamamoto in view of Bjorkengren for at least the same reasons (see discussion of claim 1, above).

Claims 22 and 27-30 depend from claim 21, incorporating its recitations. Claims 35-40 and 48-50 depend from claims 31 and 47, respectively, and incorporate the recitations of their base claims. Claim 52 depends from claim 51, incorporating its recitations. Claims 57-59 depend from claim 56, incorporating its recitations. Finally, claims 65-66 depend from claim 64, incorporating its recitations. Thus, for at least the same reasons, claims 22, 27-30, 35-40, 48-50, 52, 57-59, and 65-66 are patentable over Yamamoto in view of Bjorkengren. Applicants respectfully request reconsideration of these rejections in light of the most recent claim amendments as discussed above.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 1-25 are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: September 15, 2008

Al AuYeung/

Al AuYeung

Reg. No.: 35,432

SCHWABE, WILLIAMSON & WYATT, P.C.

U.S. Bank Centre

1420 5th, Suite 3010

Seattle, Washington 98101

Telephone: 206-622-1711